

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BARBARA FORLASTRO and ROBERT G. FORLASTRO,
as co-administrators of the Estate of
ROBERT J. FORLASTRO,

Case No.: 1:07-CV-3288
(RPP) (FM)

Plaintiffs,

vs.

JAMES COLLINS,

Defendant.

MARCH 24, 2008

PLAINTIFFS' MOTION FOR A NEW TRIAL

Pursuant to Rule 59 of the F.R.C.P. the plaintiffs move for a new trial.

This request is based on the inconsistent verdict rendered by the jury in this matter. In particular, the jury ruled that the defendant was negligent and caused the decedent's death. They, then, ruled that the defendant's negligence was not a substantial factor in causing the decedent's death. Under the law of the state of New York, and the facts of this case, the verdict is inconsistent and must result in a new trial.

A memorandum setting forth the plaintiff's legal and factual support is attached.

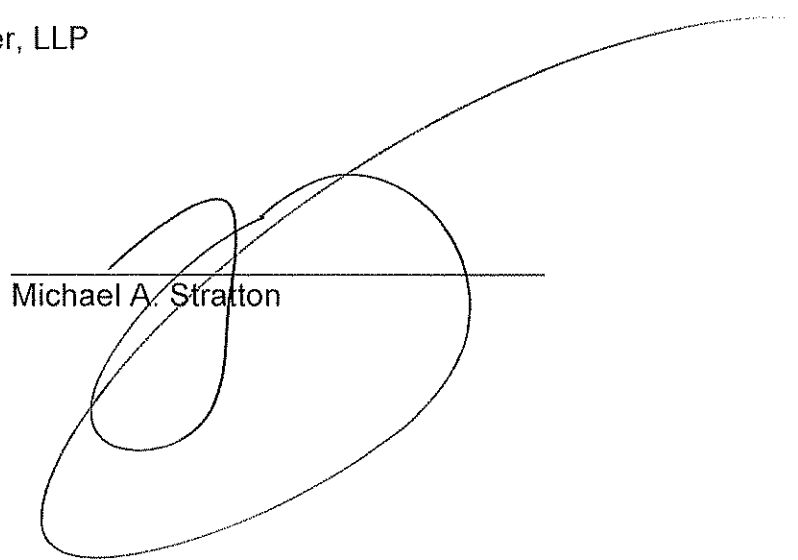
THE PLAINTIFFS

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CERTIFICATION

This is to certify that a copy of the foregoing Motion was efiled via ECF on this date to the following counsel of record:

Elizabeth Hecht, Esq.
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Michael A. Stratton